

From: [Rossi, Lois](#)
To: [Laws, Meredith](#)
Subject: Re: Proposed Labeling for Neonicotinoid Products
Date: Thursday, August 01, 2013 8:40:51 AM

Bradbury wants to talk to me before POM. I am in chair now getting Numb. He is at SAP. So likely at noon. He thinks we have a path forward with JJJ.

From: Laws, Meredith
Sent: Thursday, August 01, 2013 7:23:25 AM
To: Rossi, Lois
Subject: Re: Proposed Labeling for Neonicotinoid Products

[Jim's comments are really good.](#)

From: Rossi, Lois
Sent: Thursday, August 01, 2013 7:17:12 AM
To: jgray@nd.gov; Cary Giguere
Cc: Laws, Meredith
Subject: Re: Proposed Labeling for Neonicotinoid Products

[Thanks, Jim.](#)

From: Gray, Jim A. <JGray@nd.gov>
Sent: Wednesday, July 31, 2013 11:48:17 PM
To: Giguere, Cary
Cc: Rossi, Lois; Laws, Meredith
Subject: RE: Proposed Labeling for Neonicotinoid Products

I hope to be on the conference call tomorrow. However, if I can't, here are my thoughts:

1. I like the concept of a prominent "Protection of Pollinators" box near the front of the label to alert the user that the product has pollinator issues. I also like the idea of putting any enforceable restrictions in the Directions for Use instead of the Environmental Hazards section. My only comment on the "Protection of Pollinators" box is the first sentence in the second to last paragraph ("Use Best Management Practices (BMPS) to protect pollinators"). That sentence is written in pseudo-enforceable language. How am I to define what BMPs are? Who supplies those BMPs? If the intent is to make it enforceable, then we need to put a "must" in there somewhere. Or, we need to re-word it to make it clearly advisory.
2. I recommend re-working the four different use site categories. I think that we have the following:
 - a. Crops grown under pollination services
 - b. Crops not under contract for pollination services but are attractive to pollinators

- c. Crops not under contract for pollination services and are not attractive to pollinators
- d. Non-agricultural sites (residential/ornamental/recreational)

My first inclination is that the term “managed bees” is confusing. Does this refer to bees managed just for pollination, or does it also include bees managed for honey production? In other words, does “non-managed bees” simply mean wild bees?

My second inclination is that virtually all ND use sites would fall under the third category (or, “c” in my list above). However, I heard loud and clear from beekeepers today at a ND pollinator summit that whether or not bees are likely to forage in a crop depends on what forage is available nearby. For example, most bees will not forage in a soybean field since it is not a desirable food source. However, they will if there is nothing else in bloom within a reasonable distance. Since we now what use sites will be included in a product’s registration, could we simply list the specific crops under categories “b” and “c” so that the user and regulator doesn’t have to make a judgment call whether or not the crop is attractive to pollinators? This would require somebody to make the determination what crops are and which aren’t attractive to pollinators.

For example, let’s say that a product is registered for use on almonds, cherries, wheat, barley, corn, canola, sunflower, and ornamental plants. We know that wheat and barley are not attractive to bees, but that almonds, cherries, canola and sunflower can be. In that case, the four headings on a label could be:

- a. Crops grown under pollination services
 - b. Almonds, Cherries, Canola, and Sunflower not under contract for pollination services
 - c. Wheat and barley
 - d. Non-agricultural sites (residential/ornamental/recreational)
3. The fourth bullet under For Crops Not Under Contract for Pollination Services (Non-Managed Bees) might need some work. I suggest revising it to read, “The application is made in accordance with an active state-administered pollinator protection plan”. I say this for three reasons. First, there is no guarantee that information from a state bee registry program will be publicly available. ND has a state bee registration program, and we post that information on our website, but there is no legal obligation for us to post it there or keep it up to date (we do of course). Second, I can imagine a state with a small apiary industry that does not have a bee registry program. However, that state may have brought beekeepers and applicators together and built a communication framework though a state pollinator protection plan. Third, our bee registry program requires registration of all honey bee locations in the state. It does not deal with how, when, or where pesticide applications can occur. That sort of information would be included in our state pollinator protection plan.
 4. The second paragraph under the “For Crops Grown Under Contracted Pollination Services”

section requires that the applicator notify the beekeeper within 48 hours of the planned application. These sorts of notification requirements on labels are difficult to enforce since the language does not specify how that notification needs to occur. What if the applicator notified the beekeeper face to face or over the phone? There is no way for the applicator to prove that the notification took place. So, that leaves it to the inspector to track down the beekeeper and get verification that the beekeeper was notified. In many cases, that is not a big deal, but it does add a regulatory burden to the regulator. You might get some push back from regulators for adding this workload to them. And, I would bet that many pollination contracts or agreements already speak to notification requirements, so we might be trying to fix a problem that is already fixed.

Jim Gray
Pesticide and Fertilizer Division Director
North Dakota Department of Agriculture
Office: 701-328-1505
Mobile: 701-220-1645

From: Giguere, Cary [mailto:Cary.Giguere@state.vt.us]
Sent: Tuesday, July 30, 2013 7:32 AM
To: Bonnie Rabe; Brian Rowe; Giguere, Cary; Charlie Clark; Daniel Helfgott; Dave Scott; David Stangel; George Farnsworth; Jamie Green; Comstock, Jeff; John Peckham; Julie Simpson; Laura Quakenbush; Richard Beard; roelofs.jim@epa.gov; Ron Kendall; Rose Kachadoorian; Shannon Joyner; Steve Dwinell; Vicki Cassens
Cc: Gray, Jim A.; Scott, John (John.Scott@ag.state.co.us); Meredith Laws (Laws.Meredith@epamail.epa.gov)
Subject: FW: Proposed Labeling for Neonicotinoid Products

Good Morning POM Members, and others.

Please see the email below. Please review the attached proposed labeling for pollinator protection.

Let's also plan on having a conference call Thursday morning at 10 to discuss.

Call in
1-877-273-4202
Passcode
6099266

Thank you for coordinating the review of this labeling. There are 2 documents but we intend to apply both to these labels. One document is a "Pollinator Protection Box" which is like the WPS box. It would be placed below the Env. Hazards Statement. The other document is text to go into the Directions for Use. Both documents incorporate the use of a "bee icon."

This labeling is intended for foliar applied products containing imidacloprid, dinotefuran, clothianidin and thiamethoxam. Attached also is the letter from Steve Bradbury that went out to registrants last week. This provides the background.

We have discussed this labeling with our colleagues in Canada but we have not shared it with anyone else, including the registrants. We ask that POM members keep this confidential.

We would like POM's input on enforceability, whether the statements make sense, and POM's overall impression. This includes the headings in the Directions for Use document.

Thanks very much to everyone for their help on this.